

## AN ACT

ENTITLED, An Act to establish certain provisions regarding the labeling of motor fuel at a retail fuel pump and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

Each retail fuel pump shall identify conspicuously the type of fuel product, the particular grade of the fuel product, and the applicable automotive fuel rating of the fuel to be dispensed. Any 85 octane product shall be conspicuously identified with a decal that states: "May not be suitable for all engines. Refer to owner's manual before fueling."

Section 2. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

If gasoline, alcohol blended fuels, kerosene, diesel fuel, aviation gasoline, burner oil, or naphtha are sold, an invoice, bill of lading, shipping paper, or other documentation shall accompany each delivery other than a retail sale. This document shall identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation shall be retained at the retail establishment for a period of not less than one year.

Section 3. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

A refiner, importer, or producer of petroleum products, as defined by subdivision 37-2-5(10), shall comply with the automotive fuel rating, certification, and record-keeping requirements of 16 C.F.R. §§ 306.5 to 306.7, inclusive, in effect on January 1, 2013.

Section 4. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

A licensed distributor of petroleum products, as defined by subdivision 37-2-5(10), shall comply with the certification and record-keeping provisions of 16 C.F.R. §§ 306.8 and 306.9 in effect on

January 1, 2013.

Section 5. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

A person responsible for the product who sells or transfers petroleum products, as defined by subdivision 37-2-5(10), to a consumer shall comply with the automotive fuel rating posting and record-keeping requirements, and the label specifications of 16 C.F.R. §§ 306.10 to 306.12, inclusive, in effect on January 1, 2013.

Section 6. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

In general conformity with ASTM D4814 and the adoption of NIST Handbook 130, 2005, in rules promulgated pursuant to this chapter, the minimum (R+M)/2 octane rating grades of petroleum products, as defined by subdivision 37-2-5(10) in the counties of Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington, Perkins, and Shannon shall be no less than the following:

- (1) Regular, unleaded, regular unleaded 85;
- (2) Midgrade, plus, or super unleaded 87, 88, 89, or 90; and
- (3) Premium, supreme, high test unleaded 91.

Section 7. That chapter 37-2 be amended by adding thereto a NEW SECTION to read as follows:

The minimum (R+M)/2 octane rating grades of petroleum products in all counties in the state other than those listed in section 6 of this Act shall be no less than the following:

- (1) Regular unleaded 87;
- (2) Midgrade, plus, or super unleaded 89; and
- (3) Premium, supreme, high test unleaded 91.

Section 8. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to establish certain provisions regarding the labeling of motor fuel at a retail fuel pump and to declare an emergency.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1091

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1091

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State